

GRANITE

February 12, 2016

Via Facsimile & U.S. Postal Service

State of California Department of Transportation
Office Engineer, MS 43
1727 30th Street
P.O. Box 168041
Sacramento, CA 95816-8041

Facsimile Number: 916-227-6282

Attn: John McMillan, Deputy Division Chief

Re: Bld Protest
Contract Number: 05-0T6304
Location: 05 - SB - 101 - 45.6/46.4
Bld Opening Date: February 3, 2016

Dear Mr. McMillan,

This letter constitutes the bid protest of Granite Construction Company ("Granite") with regard to the above-referenced contract and project. As discussed more fully below, the apparent low bidder, Souza Construction, Inc. ("Souza"), failed to meet the 13% DBE goal for the project and failed to make a good faith effort to make the goal.

Souza's DBE Commitment Form claimed \$1,395,971 of DBE participation. \$1,361,115 of this commitment is claimed to be provided by Kritz Excavating & Trucking, Inc. ("Kritz"). The Kritz DBE credit is based on 12,963 hours of trucking with End Dumps at \$105.00/HR, and represents the entire amount of trucking required to haul the excess excavated material from the jobsite.

It is our understanding that Kritz owns two End Dump trucks. Souza's DBE submittal does not provide the number of trucks needed on a daily basis for their export operation, and does not provide the information necessary to determine how Kritz will be able to provide the committed hours of trucking. Based on the information submitted, we seriously question the ability of Kritz to provide a commercially useful function for this project to the extent claimed by Souza.

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The Contract Time for the project is 230 Working Days. If both End Dumps owned by Kritz work eight hours per day, it would take over 810 working days (3.5 times the Contract Time) to provide the 12,963 committed hours ($12,963/8/2 = 810.2$ days). If excavated material was exported from the site on each of the 230 Working Days of the Contract, at least 7 trucks would be required each and every day ($12,963/8/230 = 7.1$ trucks). Kritz does not appear to have the trucks required to provide the committed hours of trucking.

Further, Souza failed to make a good faith effort to meet the 13% DBE goal for the project.

- No efforts were made to reach out to DBE firms until 1/22/16, approximately 10 days before the bid date.
- Only 30 DBE firms were identified and solicited.
 - o 30 faxes on 1/22/16
 - o 30 phone follow-up calls on 1/28/16 taking approximately 45 minutes
- A query of the Caltrans Unified Certification Program database was not made.
- Only \$34,856 of the \$1,395,971 DBE credit claimed was non-trucking.
- Only one DBE firm, other than Kritz, was utilized.
- No additional data to support a demonstration of good faith efforts was provided (DBE GFE Documentation Paragraph #9).

Considering the Engineers' Estimate for this project was approximately \$6,000,000 and the 13% DBE goal was significant, the minimal efforts made by Souza to reach out to potential DBEs do not demonstrate good faith to meet the project goal.

Granite respectfully requests that Caltrans uphold Granite's bid protest and find Souza's bid non-responsive and award the contract to Granite as the next lowest responsive and responsible bidder.

Sincerely,
GRANITE CONSTRUCTION COMPANY



Brian Larinan
Chief Estimator

